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9 ROBERT D. GIBSON,

Plaintiff,

v.

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12 ARNOLD SCHWARZENEGGER, et al.,

Defendants.

No. C 10-01677 SBA (PR)

**ORDER DIRECTING CLERK OF
COURT TO TERMINATE ACTION**

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14 Pursuant to the notice of voluntary dismissal of this action filed by Plaintiff on April 29,
15 2010, this action is terminated. See Fed. R. Civ. P. 41(a)(1)(A)(i) ("[A]n action may be dismissed
16 by the plaintiff without order of the court . . . by filing a notice of dismissal."); Hamilton v.
17 Shearson-Lehman Am. Exp. Inc., 813 F.2d 1532, 1534-1536 (9th Cir. 1987) (Rule 41(a)(1)(A)(i)
18 does not require leave of court to dismiss the action). The dismissal is without prejudice. See Fed.
19 R. Civ. P. 41(a)(1)(B) (unless plaintiff's notice of dismissal states otherwise, it is deemed to be
20 "without prejudice"); Humphreys v. United States, 272 F.2d 411, 412 (9th Cir. 1959).

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22 The Clerk of the Court shall close the file. Plaintiff's in forma pauperis application is
23 GRANTED. This Order terminates Docket no. 3.

24 IT IS SO ORDERED.

25 DATED: 5/10/10


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SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

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6 ROBERT D. GIBSON,

7 Plaintiff,

Case Number: CV10-01677 SBA

8 v.

9 ARNOLD SCHWARZENEGGER et al,

10 Defendant.

11

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District

13 Court, Northern District of California.

14 That on May 12, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said

15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said

16 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle

17 located in the Clerk's office.

18

19 Robert D. Gibson E-09929

20 Salinas Valley State Prison

21 P.O. Box 1050

22 Soledad, CA 93960

23

24 Dated: May 12, 2010

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20 Richard W. Wiking, Clerk
21 By: LISA R CLARK, Deputy Clerk